

Applicants : Anne Marie Schmidt, et al.  
U.S. Serial No: 09/167,705  
Filed : October 6, 1998  
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In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that claim 70 has been canceled, thereby rendering the rejection moot.

**Rejection Under 35 U.S.C. §112, Second Paragraph**

The Examiner rejected claim 64 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the Examiner asserted that the term "retroviral vector" was unclear when used to describe a carrier for delivering the instant compound.

In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that amended claim 64 does not recite the term "retroviral vector." Applicants stress that retroviral vectors are nevertheless appropriate for delivering a nucleic acid which is, or which encodes, a therapeutic agent.

In view of the above remarks, applicants maintain that claim 64 satisfies the requirements of 35 U.S.C. §112, second paragraph.

**Objection Under 37 C.F.R. §1.75**

The Examiner objected to claim 61 under 37 C.F.R. §1.75, as allegedly being a substantial duplicate of claim 47.

In response to the Examiner's objection, but without conceding the correctness thereof, applicants point out that claim 61 has been canceled, thereby rendering the objection moot.

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Summary

For the reasons set forth hereinabove, applicants respectfully request that all the claims of this application be allowed, and that the application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the \$205.00 fee for a two-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Alan J. Morrison  
Reg. No. 37,399

Date

3/24/03

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. No. (212) 278-0400

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